

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Claims 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 31, the limitation "in connection with a project" is dangling or disconnected from the claims. Either use the "project" or connect the "project" to the limitations following it. It's unclear what is in connection with a project.

Dependent claims inherit the defect of the claim from which they depend.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bounsaythip et al., (Bounsaythip hereinafter), Overview of Data Mining for Customer Behavior Modeling, (see IDS dated 10/20/08), taken in view of Goldman et al., (Goldman hereinafter), U.S. Patent 6,820,070

Claims 34-40 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Bounsaythip taken in view of Walter et al., (Walter hereinafter), U.S. Pre-Grant publication 20030088565.

Claims 31-40 have been canceled, without prejudice. The applicant does not concede that these claims are unpatentable over the cited references. The applicant preserves the right to pursue one or more of these claims, and/or features recited in these or other claims, or in the specification, in one or more continuation or other applications. The applicant also reserves the right to address the rejections raised on this application in view of the cited references in such continuation or other applications.

Allowable Subject Matter

Claims 1-11, 13-19, 22, 23, and 25-30 are allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

While Goldman discloses variables being from the pool of predictor variables and having less than the first predetermined level of significance (see "more esoteric and overlooked variables could begin to be added to the present invention model, in its empirical self-learning capacity" in col. 22, lines 33-48), Bounsaythip discloses "New fields can be generated through combinations, e.g. frequencies, cross-tabulations, averages and minimum/maximum values, relationships between different profiling variables etc. ..." (see page 6, # 2.3.3, next to last paragraph), Bloom, U.S. Pre-Grant publication 20030212678, (see

PTO-892 Notice of Reference Cited dated 2/19/10), discloses to include cross products of at least two variables, each being from the first population of predictor variables and to include cross products of at least two variables, at least one of the variables being from the pool of predictor variables and having less than the first predetermined level of significance (see paragraphs [0133-91], Walter discloses to include cross products of at least two variables, each being from the first population of predictor variables and to include cross products of at least two variables, at least one of the variables being from the pool of predictor variables and having less than the first predetermined level of significance (see paragraphs [0133-91) and automatically selecting a model generation method from a set of available model generation methods to match characteristics of the historical data (see paragraphs [0003,0007]), Fisher et al., (Fisher hereinafter), Pre-Grant publication 20030171829, discloses automatically selecting a model generation method from a set of available model generation methods to match characteristics of the historical data (see paragraph [00851), Xu et al., (Xu hereinafter), Pre-Grant publication 20040030667, discloses automatically selecting a model generation method from a set of available model generation methods to match characteristics of the historical data (see paragraph [0010]), and Cabena, Intelligent Miner for Data Applications Guide (see IDS dated 12/18/06), (Cabena hereinafter), discloses automatically selecting a model generation method from a set of available model generation methods to match characteristics of the historical data (see page 11, 1st paragraph), none of these references taken either alone or in combination disclose a method specifically including "extending the second population of predictor variables to include cross products of at least two variables, at least one of the variables for at least one of the cross products being from the pool of potential predictor variables that are associated with the historical data and having less than the first predetermined level of significance", which the Examiner interprets as "a machine-based method includes, in connection with a project in which a user generates a predictive model based on historical data about a system being modeled: selecting variables having at least a predetermined level of significance from a pool of potential predictor variables associated with the data, to form a population of predictor variables, extending the population to include non-linear interactions of variables, extending the population to include linear and non-linear extensions with remaining previously excluded variables" (see description of the instant application page 1, lines 22-28) and specifically argued as 'Claim 1 also recites that at least one of the variables for at least one of those cross products has "less than the first predetermined level of significance." Because claim 1 earlier recites "selecting variables having at least a first predetermined level of significance from a pool of potential predictor variables ... to form a first population of predictor variables," the at least one variable for at least one of the cross products is from a group of variables that were not selected in the initial pool of potential predictor variables' (see Applicant's arguments filed 07/19/2010 page 10, next to last paragraph), in combination with and in the same relationship with the remaining elements and features of the claimed invention. Also, there is no motivation to combine none of these references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

The applicant acknowledges the examiner's indication that claims 1-11, 13-19, 22, 23, and 25-30 are patentable. The applicant does not concede:

(a) there may not be other good reasons for the patentability of the allowed claims, and other claims;

(b) the examiner's characterization of the references and the differences between them and the claims here, is correct or complete;

(c) the examiner's characterization of the claims here is correct and complete;

(d) the examples in the specification cited by the examiner as support for the claims are the correct or only such examples; or

(e) the scope of the claims is limited, as implied by the examiner, by the passages of the specification cited by the examiner or the arguments of the applicant.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Apply any charges or credits to deposit account 06-1050, referencing attorney docket 17146-0007001.

Respectfully submitted,

Date: 01/07/11_____

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